

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SDNY / NYNY
CH. CR. 547
Daniels

THOMAS STEINBECK, an individual, and
BLAKE SMYLE, an individual,

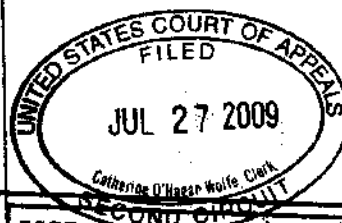
Plaintiffs-Appellants,

-against-

MCINTOSH & OTIS, INC., a New York corporation; THE
STEINBECK HERITAGE FOUNDATION, a non-profit, New
York corporation; EUGENE H. WINICK, an individual;
SAMUEL PINKUS, an individual; JEAN ANDERSON BOONE,
an individual; FRANCIS ANDERSON ATKINSON, an
individual; WAVERLY SCOTT KAFFAGA, an individual and
Executor of the Estate of Elaine Anderson Steinbeck; DAVID
SCOTT FARBER, an individual; ANDERSON FARBER
RUNKLE, an individual; JEBEL KAFFAGA, an individual;
BAHAR KAFFAGA, an individual; and STEVEN FRUSHTICK,
an individual, and Does 1-10.

Defendants-Appellees.

09-1836-cv



USDC SDNY
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DATE FILED: JUL 29 2009

**STIPULATION WITHDRAWING APPEAL
FROM ACTIVE CONSIDERATION, WITHOUT
PREJUDICE, AND WITH LEAVE TO REACTIVATE**

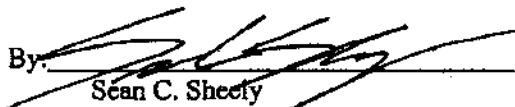
The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn from active consideration from the court, such withdrawal to be without prejudice in a reactivation of the appeal by Appellant's counsel so notifying the Clerk of this Court in writing by November 13, 2009. If not reactivated before said date or any extended date as may be further ordered or agreed, the appeal shall be subject to dismissal with prejudice.

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under FRAP 42(b).

CERTIFIED:

JUL 28 2009

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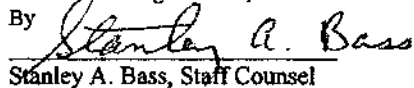
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Attorneys for Defendants-Appellees *Waverly Kaffago, as an individual and as Executrix of the Estate of Elaine Steinbeck, Jean Anderson Boone, Frances Anderson Atkinson, David Scott Farber, Anderson Farber Runkle, Jebel Kaffaga, Bahar Kaffaga, the Steinbeck Heritage Foundation and Steven Frushtick*

SO ORDERED

FOR THE COURT

Catherine O'Hagan Wolfe, Clerk of Court

By: 
Stanley A. Bass, Staff Counsel

July 27, 2009

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A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by 
DEPUTY CLERK